

REMARKS

This paper is submitted in reply to the final Office Action dated March 9, 2005, within the three-month period for response along with a Request for Continued Examination (RCE) and a Supplemental Information Disclosure Statement. Authorization to charge Deposit Account 23-3000 for the requisite fee of \$790.00 for the RCE is hereby granted. Reconsideration and allowance of all pending claims are respectfully requested.

In the subject Office Action, the Examiner withdrew the drawing objections and the 35 U.S.C. § 112, second paragraph rejections. However, the Examiner rejected claims 1-21 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,872,963 to Bitar et al.

Applicants respectfully traverse the Examiner's rejections to the extent that they are maintained. Applicants have nonetheless amended claims 1, 11 and 19 in deference to the Examiner's suggestions. Applicants respectfully submit that no new matter is being added by the above amendments, as the amendments are fully supported in the specification, drawings and claims as originally filed.

Applicants wish to thank the Examiner for the courtesy extended in the telephone interview between the Examiner and Applicants' representative on April 14, 2005. During the interview, the Examiner suggested emphasizing the role of a "hypervisor" in the claims and indicated that amendments to that effect would patentably distinguish the claims from the prior art.

To this end, each independent claim has been amended to include language specific to a hypervisor. For instance, claim 1 generally recites a method for yielding a virtual processor within a logically partitioned data processing system, wherein the system supports a plurality of partitions, a first of which includes a plurality of virtual processors that share at least one CPU. The system further includes a hypervisor configured to assign and dispatch the CPU to the virtual processors. The method includes

requesting with a yielding virtual processor a yield of the CPU upon which the virtual processor is executing, including designating a target virtual processor from among the plurality of virtual processors. The method also includes switching-in the target virtual processor for execution by the CPU in response to the requested yield.

As agreed during the interview, Bitar et al. fails to disclose or suggest the above claimed features, including designating or switching-in a specified target virtual processor. The amended language underscores the distinction between the claimed virtual processor and a user thread, which is the subject of Bitar et al. More particularly, Bitar et al. teaches switching between user threads without involving scheduling of virtual processors, such as is accomplished by a hypervisor or an equivalent managing program (col. 5, lines 31-33 and lines 55-58). As such, reconsideration and allowance of claim 1, as well as of claims 2-10 that depend therefrom, are therefore respectfully requested.

Independent claim 11 is a computer hardware and software implementation configured to execute method steps similar to those recited in claim 1. Claim 11 is therefore similarly non-obvious and novel over the cited prior art for reasons similar to those discussed in the context of claim 1, and reconsideration and allowance of claim 11, as well as of claims 12-18 and 21 that depend therefrom, are respectfully requested.

Independent claim 19 is basically a program product implementation configured to execute method steps similar to those recited in claim 1. Claim 19 is therefore similarly non-obvious and novel over the cited prior art, and the reconsideration and allowance of claim 19, as well as of claim 20 that depends therefrom, are respectfully requested.

In summary, Applicants respectfully submit that all pending claims are novel and non-obvious over the prior art of record. Reconsideration and allowance of all pending claims are therefore respectfully requested. If the Examiner has any questions regarding the foregoing, or which might otherwise further this case onto allowance, the Examiner may contact the undersigned at (513) 241-2324. Moreover, if any other charges or credits

are necessary to complete this communication, please apply them to Deposit Account 23-3000.

Respectfully submitted,

6/8/05
Date


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